

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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Charles H. Cooper,	:	
Jr.,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Case No. 2:20-cv-3332
	:	Judge Michael H. Watson
Longwood Forest	:	Magistrate Judge Jolson
Products, Inc.,	:	
et al.,	:	
	:	
Defendants.	:	

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STATEMENT REGARDING SCHEDULED DEPOSITION OF  
JERRY BOONE, JR.

VIA VIDEOCONFERENCE

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Taken at Lane Alton  
Two Miranova Place, Ste. 220  
Columbus, OH 43215  
November 8, 2021, 2:32 p.m.

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Spectrum Reporting LLC  
400 South Fifth Street, Ste. 201  
Columbus, Ohio 43215  
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A P P E A R A N C E S

ON BEHALF OF PLAINTIFF:

The Law Offices of Daniel R. Mordarski, LLC  
5 East Long Street, Ste. 1100  
Columbus, OH 43215  
By Daniel R. Mordarski, Esq.  
(Via videoconference)

ON BEHALF OF DEFENDANTS LONGWOOD FOREST PRODUCTS,  
INC.; ANGEL LINE; WAYFAIR, INC.; WAYFAIR LLC; AND  
WAYFAIR PURCHASING LLC:

Lane Alton  
Two Miranova Place, Ste. 220  
Columbus, OH 43215  
By Edward G. Hubbard, Esq.  
(Via videoconference)  
Joseph A. Gerling, Esq.  
(Via videoconference)

I N D E X

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(Exhibits attached electronically. Hard copies were never in Spectrum's possession.)

1 MR. HUBBARD: Okay. This is Ed  
2 Hubbard. I'm one of the attorneys for the  
3 defendants in this matter, being Cooper versus  
4 Longwood Forest Products, Inc., et al.; Case  
5 No. 2:20-cv-3332.

6 We're going on the record in lieu of  
7 the appearance of Mr. Jerry Boone today for  
8 deposition. Just for background purposes, I  
9 wanted to run through the course of events here,  
10 which is, originally, Defendants, through Doc 56  
11 and per agreement, issued a notice of deposition  
12 for Mr. Jerry Boone on August 12th, 2021. On  
13 August 5th, Plaintiff's counsel notified us of the  
14 need to reschedule the deposition given a series  
15 of deaths in the Dean/Boone family.

16 On August 26th, Defendants issued  
17 Doc 58, which is a notice of deposition for  
18 8-31-2021, and, again, that was by agreement with  
19 Plaintiff's counsel in this case. On 8-27, per my  
20 notes, Mr. Mordarski and I had a telephone  
21 conference in which it was indicated that  
22 Mr. Boone would refuse to appear at the deposition  
23 for 8-31 because he did not intend to offer  
24 testimony in this matter.

1           On 10-15, my office issued a subpoena  
2           for Mr. Boone to appear via videoconference or  
3           video testimony for deposition for November 4th.  
4           That was served via certified mail. And I'm going  
5           to attach -- and I will send everybody a copy of  
6           this. I'm going to share my screen here, if I  
7           can.

8           I am -- this is what I've marked --  
9           should be there. I don't know why it's not  
10          showing up -- as Exhibit A. I will mark it as  
11          Exhibit A, and it's simply the front and the back  
12          -- there it is -- of the green card that was  
13          reflecting service of the subpoena on  
14          October 28th, 2021, and it indicates by the  
15          printed name that it was received by Jerry Boone,  
16          Jr.

17          Pursuant to conversations and  
18          communications with Plaintiff's counsel after that  
19          point, it was agreed that we would reschedule the  
20          deposition until November 8th. On November 3rd,  
21          Doc 64, amended notice of deposition for  
22          November 8th, was served today, which is  
23          November 8th. Mr. Mordarski notified me this  
24          afternoon by an e-mail at 1:10 that Mr. Boone

1 would not appear and he would not change his mind  
2 regarding his disinclination to provide testimony.

3 By indicating it was at 1:10, I am not  
4 suggesting in any way that Mr. Mordarski was late  
5 in providing notice or trying to ambush us or  
6 otherwise prejudice us by the notice. I  
7 understand he was attempting up until the last  
8 moment to convince Mr. Boone to appear, and when  
9 it became clear he would not, he notified us as  
10 timely as possible.

11 And I -- let me stop this.

12 And, Joe, unless I'm missing anything,  
13 that's the record I'm intending to make here  
14 today.

15 MR. GERLING: Yep. I think so.

16 MR. MORDARSKI: So this is Dan  
17 Mordarski, one of the counsel for Plaintiff  
18 Charles Cooper, as administrator of the Estate of  
19 Ja'syiah Boone. I think counsel has correctly  
20 articulated the history of our attempt to get  
21 Mr. Boone to provide testimony in this case. As  
22 recent as Friday, November 5th, Mr. Boone had  
23 confirmed that he will be -- would be attending  
24 today for his deposition. I received the first

1 notice close to 12:30 today. That's the first  
2 time I'd heard that he's decided that he would not  
3 appear.

4 This is the second time that he  
5 indicated he would appear, and then closer in time  
6 to the deposition, advised that he would not.  
7 Mr. Boone is the natural father of the decedent in  
8 this case. The natural mother, Tera Dean; Steve  
9 Rabold; and I have all attempted to get Mr. Boone  
10 to appear for a deposition. In the most latest  
11 communication with Mr. Boone, he indicated that he  
12 did not want to appear because he did not want to  
13 talk about his past, that he was not present at  
14 the time the incident occurred, and that he felt  
15 like he had nothing to offer as a witness.

16 Again, efforts were made to try to  
17 convince Mr. Boone that his testimony is important  
18 and relevant and might deal with things other than  
19 the actual event of when the decedent died. We  
20 were unable to persuade Mr. Boone to appear for  
21 his deposition that was scheduled today at 2:30.  
22 I think, from the plaintiff's perspective, we  
23 share some very significant frustration in the  
24 current situation that we're in, but that's where

1 we are right now. Nothing further from us.

2 MR. HUBBARD: And I think I just want  
3 to clarify that from Defendants' perspective, we  
4 think the deposition of Mr. Boone is necessary.  
5 We're not using this record for an opportunity to  
6 discuss the possible ramifications of Mr. Boone's  
7 nonappearance today. We reserve our rights to  
8 move accordingly, whatever that may look like, but  
9 this record is simply the record that we were  
10 otherwise ready to prepare -- ready and prepared  
11 to go forward today. Mr. Boone did not go  
12 forward.

13 And so we reserve all our appropriate  
14 remedies under civil procedure and the Court's --  
15 rulings by the Court.

16 MR. MORDARSKI: Okay.

17 MR. HUBBARD: Joe?

18 MR. MORDARSKI: I don't have any  
19 further.

20 MR. GERLING: That's good.

21 - - - - -

22 Thereupon, the foregoing proceedings  
23 concluded at 2:39 p.m.

24 - - - - -



1 State of Ohio : C E R T I F I C A T E  
2 County of Franklin: SS

3 I, Craig Ross, RPR, CRR, a Notary Public in and  
4 for the State of Ohio, do hereby certify the  
5 foregoing is a true record of the proceedings taken  
6 at the time and place as specified on the title  
7 page.

8 I do further certify I am not a relative,  
9 employee or attorney of any of the parties hereto,  
10 and further I am not a relative or employee of any  
11 attorney or counsel employed by the parties hereto,  
12 or financially interested in the action.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 and affixed my seal of office at Columbus, Ohio, on  
15 January 12, 2022.

16  
17  
18   
19

20 Craig Ross, Notary Public - State of Ohio  
21 My commission expires July 7, 2026.  
22  
23  
24

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